



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,045	12/20/2001	Toshiyuki Odaka	HAL 177	3000

39170 7590 10/22/2004

HITACHI AMERICA, LTD.
50 PROSPECT AVENUE
LEGAL DEPT.
TARRYTOWN, NY 10591

EXAMINER

NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
----------	--------------

2124

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/028,045	Applicant(s) ODAKA ET AL.	
	Examiner Qamrun Nahar	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 have been examined.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Applicant has not given a post office address anywhere in the application papers as required by 37 CFR 1.33(a), which was in effect at the time of filing of the oath or declaration. A statement over applicant's signature providing a complete post office address is required.

Drawings

3. The drawings are objected to because Figure 7 is not clearly shown because of its size. Figure 7 should be the same size as Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s)

Art Unit: 2124

should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement figures which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments, or remarks, section of the amendment. Any replacement drawing sheet must be identified in the top margin as "Replacement Sheet" (37 CFR 1.121(d)) and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheets must be clearly labeled as "Annotated Marked-up Drawings" and accompany the replacement sheets.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the

Art Unit: 2124

“Notice of Allowability.” Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Specification

4. The disclosure is objected to because of the following informalities: under the “BACKGROUND OF THE INVENTION” section, the labels for “Field of the Invention” and “Description of Related Art” sections are missing on page 2 of the specification.

Appropriate correction is required.

5. The disclosure is objected to because of the following informalities: from pg. 5, par. 3 to pg. 8, par. 2, only prior art is being described. Therefore, these paragraphs should be in the Background section of the specification.

Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: on pg. 9, line 19, the sentence starting with “XML is used ...” should be in a paragraph format.

Appropriate correction is required.

7. The disclosure is objected to because of the following informalities: on pg. 11, the label “BRIEF DESCRIPTION OF THE INVENTION” should be “BRIEF DESCRIPTION OF THE DRAWINGS”.

Appropriate correction is required.

8. The disclosure is objected to because of the following informalities: “destributed” on pg. 12, line 9 should be “distributed”.

Appropriate correction is required.

Claim Objections

9. Claim 9 is objected to because of the following informalities: “complete” on line 8 of the claim should be “completed”. Appropriate correction is required.
10. Claim 11 is objected to because of the following informalities: “gnerating” on line 4 of the claim should be “generating”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
12. Claims 2-6, 17-19, and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
13. Claim 2 recites the limitation "the displayed" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as “the provided”.
- Claims 3-6 and 17-19 are rejected for dependency upon rejected base claim 2 above.

14. Claim 22 recites the limitation "the components" in line 15 of the claim. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as "the plurality of completed executable programs".

Claims 23-27 are rejected for dependency upon rejected base claim 22 above.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over House (U.S. 6,785,805) in view of Sanders (U.S. 5,734,831).

Per Claim 1:

House teaches a method performed by a machine interfacing with a system integrator, for integrating a plurality of completed executable programs as components to build an integrated program ("Disclosed herein are network-based configuration methods for systems integration over a network such as the Internet" in column 2, lines 48-51), comprising the steps of: providing to the system integrator the choices of components and their parameter choices; receiving choices of components and their parameters from the system integrator ("In one embodiment, the present invention is a method for providing integrated systems for test, measurement and

Art Unit: 2124

automation (TMA) environments, including providing a plurality of selectable configuration options to a user through a network where the selectable configuration options representing features for a TMA system, receiving information representing configuration options selected by a user ... ” in column 2, lines 51-58; column 9, lines 30-36); and thereafter, building the integrated program from the completed executable programs in dependence upon the received choices (“assembling a plurality of TMA components to produce a TMA system that satisfies the user-selected configuration options, providing systems integration for the TMA system to produce an integrated TMA system, and fulfilling an order for the user-configured TMA system with the integrated TMA system.” in column 2, lines 58-63).

House does not explicitly teach invoking script for selecting and generating plural choices of components and choices of their parameters to be used for integration of the plurality of completed executable programs. Sanders teaches invoking script for selecting and generating plural choices of components and choices of their parameters to be used for integration of the plurality of completed executable programs (column 10, lines 1-12).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by House to include invoking script for selecting and generating plural choices of components and choices of their parameters to be used for integration of the plurality of completed executable programs using the teaching of Sanders. The modification would be obvious because one of ordinary skill in the art would be motivated to automate the configuration of software components.

Per Claim 2 (as best understood):

The rejection of claim 1 is incorporated, and House further teaches providing to the system integrator configuration information based upon the choices; requesting confirmation of the provided configuration information from the system integrator; and performing said step of building in response to receiving system integrator confirmation (column 3, lines 3-26).

Per Claim 3 (as best understood):

The rejection of claim 2 is incorporated, and House further teaches each of said steps of providing include displaying the respective choices to the system integrator (column 9, lines 30-36).

Per Claim 4 (as best understood):

The rejection of claim 3 is incorporated, and House further teaches each of said steps of providing, requesting and receiving include interfacing with the system integrator through a web browser with a markup language (column 10, lines 41-44).

Per Claim 5 (as best understood):

The rejection of claim 3 is incorporated, and House further teaches each of said steps of selecting include two way communication via a web browser over a network with storages in a distributed environment (column 10, lines 41-44).

Per Claim 6 (as best understood):

Art Unit: 2124

The rejection of claim 5 is incorporated, and House further teaches each of said steps of selecting includes generating corresponding ones of the choices in a markup language from configuration files obtained from the storages in the distributed environment (column 9, lines 30-36).

Per Claim 7:

The rejection of claim 1 is incorporated, and House further teaches said step of selecting includes two way communication via a web browser over a network with storages in a distributed environment (column 10, lines 41-44).

Per Claim 8:

The rejection of claim 7 is incorporated, and House further teaches said step of generating includes generating corresponding ones of the choices in a markup language from configuration files obtained from the storages in the distributed environment (column 9, lines 30-36).

Per Claim 9:

The rejection of claim 7 is incorporated, and House further teaches selecting plural choices of the types of integration to be performed by the integrated program; providing to the system integrator the plural choices of types of integration to be performed; receiving choices from the system integrator from among the choices of types of integration to be performed; and

Art Unit: 2124

downloading the completed executable programs in dependence upon received choices of types of integration (column 2, lines 51-58 and column 9, lines 30-36).

Per Claim 10:

The rejection of claim 1 is incorporated, and House further teaches providing to the system integrator an indication of choices made by the system integrator and choices not made by the system integrator and requesting confirmation; and thereafter, in response to receiving system integrator confirmation, performing said step of building the integrated program (column 3, lines 3-26).

Per Claim 11:

The rejection of claim 1 is incorporated, and Sanders further teaches each of said steps of selecting include retrieving from storage script that reads configuration files and invoking the script to perform said generating; and said step of building includes retrieving from storage and invoking script and build tools (column 10, lines 1-12).

Per Claim 12:

The rejection of claim 1 is incorporated, and House further teaches said step of providing to the system integrator plural choices, presents choices of microprocessor cores to which the plurality of completed executable programs are to be mapped, compiler choices, assembly choices, real-time operating system choices, speed choices, and choices of parameters for

Art Unit: 2124

components of the integrated program including configuration information of performance, power consumption and code size (column 12, lines 59-67 to column 13, lines 1-4).

Per Claim 13:

The rejection of claim 1 is incorporated, and Sanders further teaches said step of selecting includes retrieving from storage script that reads configuration files and executing at least some of the script for retrieving from storage markup language code that describes configuration files for use by said step of providing (column 10, lines 1-12).

Per Claim 14:

The rejection of claim 13 is incorporated, and Sanders further teaches said step of selecting includes storing the configuration files in a distributed environment (column 10, lines 1-12).

Per Claim 15:

The rejection of claim 1 is incorporated, and House further teaches said step of providing to the system integrator plural choices and said step of receiving are each conducted for choices of media type, processor identification, optimization level, and endianness (column 12, lines 59-67 to column 13, lines 1-4).

Per Claim 16:

The rejection of claim 1 is incorporated, and House further teaches a configuration tool for use in a computer system and for interfacing with a system integrator in integrating programs, said configuration tool comprising: storage media having physical implementation of code for performing the method of claim 1 (column 24, lines 53-64).

Per Claim 17 (as best understood):

The rejection of claim 3 is incorporated, and House further teaches a configuration tool for use in a computer system and for interfacing with a system integrator in integrating programs, said configuration tool comprising: storage media having physical implementation of code for performing the method of claim 3 (column 24, lines 53-64).

Per Claim 18 (as best understood):

The rejection of claim 5 is incorporated, and House further teaches a configuration tool for use in a computer system and for interfacing with a system integrator in building an integrated program, said configuration tool comprising: storage media having physical implementation of code for performing the method of claim 5 (column 24, lines 53-64).

Per Claim 19 (as best understood):

The rejection of claim 6 is incorporated, and House further teaches a configuration tool for use in a computer system and for interfacing with a system integrator in integrating programs, said configuration tool comprising: storage media having physical implementation of code for performing the method of claim 6 (column 24, lines 53-64).

Per Claim 20:

The rejection of claim 16 is incorporated, and House further teaches a configuration system comprising the configuration tool of claim 16, for operation in a distributed environment (column 8, lines 30-44); at least one computer coupled to said configuration tool; a web browser coupled to said computer and said configuration tool for interfacing with the system integrator and with said storage media for the steps of selecting and receiving; a display coupled to said web browser for interfacing with the system integrator for the step of providing (column 2, lines 51-58 and column 9, lines 30-36); said storage media being in a distributed environment and having physical implementation of configuration files of component specifications in machine-readable form, and containing machine-readable component files for said plurality of completed executable programs; said storage media further having physical implementation of machine-readable display page formats for interfacing with the system integrator during the steps of providing and receiving; and software build tools coupled to said configuration tool (column 9, lines 14-36).

Per Claim 21:

The rejection of claim 20 is incorporated, and House further teaches said configuration files are of media type, processor cores to which executable programs are to be mapped, compiler and assembly options, real-time operating systems, speed optimization levels, and parameters of the plurality of completed executable programs; and said storage media stores physical implementations of said page formats in a markup language for choices of media type,

Art Unit: 2124

processor cores, speed optimization levels, and parameters of the plurality of completed executable programs (column 12, lines 59-67 to column 13, lines 1-4).

Per Claims 22-23 (as best understood):

These are configuration tool versions of the claimed method discussed above, claim 20, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 24 (as best understood):

This is a configuration tool version of the claimed method discussed above, claim 21, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

Per Claim 25 (as best understood):

The rejection of claim 24 is incorporated, and Sanders further teaches storage media having physical implementation of script physically implementing a method of reading configuration files in response to input of choices from the system integrator (column 10, lines 1-12).

Per Claim 26 (as best understood):

The rejection of claim 23 is incorporated, and Sanders further teaches storage media having physical implementation of script physically implementing a method of reading

Art Unit: 2124

configuration files in response to input of choices from the system integrator (column 10, lines 1-12).

Per Claim 27 (as best understood):

The rejection of claim 22 is incorporated, and House further teaches wherein said means for controlling downloading communicates with the storage in a distributed environment (column 10, lines 41-64).

Conclusion

17. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699 *if calling before October 28, 2004*; otherwise *if calling on or after October 28, 2004*, then the telephone number is (571)272-3730. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2124

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
October 15, 2004

Kakali Chaki
KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100